

### **REMARKS**

Claims 1-10 and 13-24 are pending. Claims 1, and 3-5 have been amended. Claims 14-24 are newly presented. Claims 11 and 12 have been cancelled. Reconsideration and allowance of the present application based on the following remarks are respectfully requested.

#### ***Claim Rejections Under 35 U.S.C. § 101***

Claims 3 and 4 were rejected under 35 U.S.C. § 101 because the claimed invention was allegedly directed to non-statutory subject matter. Applicants have amended claims 3 and 4 to correct the informality in accordance with the Examiner's suggestion. Accordingly, Applicants respectfully request reconsideration and withdrawal of this rejection.

#### ***Claim Rejections Under 35 U.S.C. § 102 and 103***

Claims 1, 2, and 5-11 were rejected under 35 U.S.C. § 103(e) over Mitra et al. (U.S. Patent No. 6,615,076); and claims 3 and 4 were rejected under 35 U.S.C. § 103(a) over Mitra in view of Junker (U.S. Patent No. 5,692,517). Applicants respectfully submit that these rejections are moot in view of the amendments to claims to include subject matter that was indicated to be allowable.

Furthermore, the presently claimed invention differs from Mitra with respect to the signal itself and differs from Junker with respect to the object of recognition. The table below illustrates these differences.

	Present Invention	U.S. Patent No. 6,615,076, ("Mitra")	U.S. Patent No. 5,692,517 ("Junker")
Electrode	electrode is attached to the scalp (left frontal area)	inserted into the skull	attached to the forehead
Signal	brain wave	nerve signal (signal measured by a nerve cell or its group)	brain wave and electromyogram
Object Being recognized	Positive /Negative Intention	intention for Action	

Additionally, the brain has different regions for different functions and according to the present invention, the electrode is attached to the frontal lobe which manages cognitive processing for distinguishing basic positive/negative intention. It is not possible to attach the electrode to just any part of the body (e.g., the central part of the brain related to movements) to distinguish positive/negative intentions by processing the measured brainwave.

**Allowable Subject Matter and New Claims**

Applicants appreciate the Examiner's indication that claims 12 and 13 contained allowable subject matter and would be allowable if rewritten in independent form to include all of the limitations of their respective base claims and intervening claims. In view of the Examiner's indication, Applicants have amended claims 1 and 5 to include the subject matter of claim 12. Applicants have also added new claims 14-24 which are fully supported by the originally filed specification and believed allowable over the prior art of record at least because they include the subject matter of claim 13. Accordingly, Applicants respectfully submit that all of the claims (claims 1-10 and 13-24) are allowable.


**Conclusion**

Therefore, all objections and rejections having been addressed, it is respectfully submitted that the present application is in a condition for allowance and a Notice to that effect is earnestly solicited.

Should any issues remain unresolved, the Examiner is encouraged to contact the undersigned attorney for Applicants at the telephone number indicated below in order to expeditiously resolve any remaining issues.

Respectfully submitted,

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Date: July 10, 2006